

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of New Century Telecom, Inc., (U-5912-C) for Approval of Stock Purchase Agreement and Related Transfer of Control.

Application 02-10-007  
(Filed October 8, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
PROVIDING NOTICE OF ADVERSE ACTIONS RESULTING FROM  
THE APPLICANT'S FAILURE TO PROVIDE THE INFORMATION  
SPECIFIED IN THE RULING ISSUED ON MAY 19, 2004**

On May 19, 2004, the assigned Administrative Law Judge (ALJ) issued a ruling that directed the Applicant to file an amendment to Application (A.) 02-10-007 containing information specified in the ruling. The ruling stated that the amendment had to be filed no later than June 3, 2004. If the Applicant did not file the amendment, the ruling advised the Applicant that the assigned ALJ might issue a draft decision that does the following:

- Dismisses A.02-10-007 for failure to prosecute.
- Deems the transfer of control requested in A.02-10-007 to be null and void under Pub. Util. Code § 854(a).

The Applicant did not file the amendment required by the ALJ's ruling. If the amendment is not filed by June 25, 2004, the assigned ALJ will prepare a draft decision for the Commission's consideration that (1) dismisses A.02-10-007 for failure to prosecute, and (2) deems the transfer of control requested in A.02-10-007 to be null and void under Pub. Util. Code § 854(a). If the Applicant cannot unwind the transfer of control, which has already occurred, the ALJ's

draft decision may order the Applicant to withdraw from the provision of service in California in a manner consistent with General Order 96-A, Section XIV, as modified by Commission Decision 02-01-038.

Therefore, **IT IS RULED** that:

1. The Applicant is hereby notified that if it does not file by June 25, 2004, the amendment to Application (A.) 02-10-007 required by the ruling issued on May 19, 2004, the assigned Administrative Law Judge (ALJ) will prepare a draft decision for the Commission's consideration that (i) dismisses A.02-10-007 for failure to prosecute, and (ii) deems the transfer of control requested in A.02-10-007 to be null and void under Pub. Util. Code § 854(a).

2. If the Applicant cannot unwind the transfer of control described in A.02-10-007, which has already occurred, the assigned ALJ's draft decision may order the Applicant to withdraw from the provision of service in California in a manner consistent with General Order 96-A, Section XIV, as modified by Commission Decision 02-01-038.

Dated June 15, 2004, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties who have provided an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Providing Notice of Adverse Actions Resulting from the Applicant's Failure to Provide the Information Specified in the Ruling Issued on May 19, 2004 on all parties of record in this proceeding or their attorneys of record.

Dated June 15, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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A.02-10-007 TIM/hl2

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